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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,017	02/14/2001	Hiroshi Kamiya	Q63036	3808

  

EXAMINER	
THEIN, MARIA TERESA T	

  

ART UNIT	PAPER NUMBER
3627	

  

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Washington, DC 20037

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/782,017	<b>Applicant(s)</b> KAMIYA, HIROSHI	
	<b>Examiner</b> Marissa Thein	<b>Art Unit</b> 3627	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments are not persuasive. For example, Applicant's remark again that the Examiner has not establish prima facie case of obviousness.

The Examiner does not agree. Examiner notes that Murcko discloses a method and apparatus for a commercial network system designed to facilitate transaction (col. 3, lines 42-44). A buyer logs on to the system, views items that have been provided to him/her by the seller, and optionally specifies payment amounts for those items or request addition information from the seller (col. 4, lines 26-29). After the buyer has sent the payment to the system operator to cover the items, the system operator sends a payment to the seller (col. 4, lines 29-31). Furthermore, Murcko teaches a payment date which is stored in the Item database, that stores the date on which the buyer assigns the payment amount for the item (col. 16, lines 59-61). Moreover, in Figure 18 buyer views items page, which enables buyers to view all the items that seller have provided to the buyer and optionally sets payment amounts for this item (col. 28, lines 15-19). When the buyer sets the payment amount for an item, a payment date input field subsequently appears (Figure 18 ref. 1812) (col. 28, lines 26-30). The buyer has a predetermined period of time in which to make a payment to the system oerpator to pay for the item (col. 28, lines 26-30). The Examiner then turns to Benton to teach the inputting the order issuers' payment date and transmitting the order issuer's payment date. Benton teaches a system for carrying out funds data transfer between buyers and sellers (col. 2, lines 50-52). Benton teaches a buyer at a remote location enters his card and is prompted to enter his personal identification number (col. 9, lines 38-40). If there are sufficient funds, the buyer is then prompted to enter the seller's account number together with authorization code and transaction amount and depresses the ENTER Key (col. 9, lines 40-51). The buyer is then prompted for a time and date after which the transaction is permitted to proceed (cool 9, lines 51-53). The buyer then depresses the ENABLE TRANSACTION key (col. 9, lines 55-56). The motivation to combine is then found in Benton to provide the buyer payment options (col. 16, lines 30-33).

 4/23/07  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**